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File
under Misc.
JG*

OGC Has Reviewed

1 March 1949

MEMORANDUM FOR: THE RECORD

SUBJECT: Military Leave

Question has been asked as to whether military leave for reserve personnel is a matter of right or whether the Agency can prohibit a reserve officer from going on active duty at any given time.

A decision of the Comptroller General (12 Decisions of the Comptroller General 241, at page 242-243) states that "the right to leave of absence without loss of pay for military training or service pursuant to proper orders is an absolute right granted by statute and may not be legally denied by administrative action..." It is further pointed out that when these orders are issued by the appropriate service, they are direct orders to military duty and cannot be interfered with by this Agency.

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Walter L. Pforzheimer
Assistant General Counsel